

1                                IN THE UNITED STATES DISTRICT COURT  
2                                FOR THE WESTERN DISTRICT OF MISSOURI  
3                                WESTERN DIVISION

4 Claudette Rowland,

Case No.:

5                                Plaintiff,

6  
7                                vs.

**COMPLAINT**

8 Kansas Counselors, Inc.,  
9 a foreign corporation,

**JURY TRIAL DEMAND**

10                                Defendants.  
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14                                NOW COMES THE PLAINTIFF, CLAUDETTE ROWLAND, BY AND  
15  
16 THROUGH COUNSEL, Richard M. Maseles, and for her Complaint against the  
17 Defendant, pleads as follows:

18                                **JURISDICTION**

- 19  
20                                1. This court has jurisdiction under the Fair Debt Collection Practices Act  
21                                (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.  
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24                                **VENUE**

- 25                                1. The transactions and occurrences that give rise to this action occurred in the City  
26                                of Kansas City, Jackson County, Missouri.  
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28                                2. Venue is proper in the Western District of Missouri, Western Division.

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**PARTIES**

3. Plaintiff is a natural person residing in City of Kansas, Jackson County, Missouri.
4. The Defendant to this lawsuit is Kansas Counselors, Inc., which is a foreign corporation that conducts business in the State of Missouri.

**GENERAL ALLEGATIONS**

5. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Mid America Eye Center in the amount of \$248.00 (“the alleged Debt”).
6. Plaintiff disputes the alleged Debt.
7. On January 15, 2020, Plaintiff obtained her Equifax and Trans Union credit disclosures and noticed Defendant reporting the alleged Debt.
8. On or about January 29, 2020, Plaintiff sent Defendant a letter disputing the alleged Debt.
9. On January 10, 2020, Terminix, a prospective lender, obtained Plaintiff’s Equifax credit report.
10. On April 8, 2020, Greater KC Public Safety, a prospective lender, obtained Plaintiff’s Trans Union credit report.

1 11. On April 21, 2020, Plaintiff obtained her Equifax and Trans Union credit  
2 disclosures, which showed that Defendant failed or refused to flag the account  
3 reflected by the alleged Debt as disputed, in violation of the FDCPA.  
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5 12. In the credit reporting industry, data furnishers, such as the Defendant,  
6 communicate electronically with the credit bureaus.  
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8 13. Defendant had more than ample time to instruct Experian, Equifax, and Trans  
9 Union to flag its trade line as Disputed.  
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11 14. Defendant's inaction to have its trade line on Plaintiff's credit report flagged as  
12 disputed was either negligent or willful.  
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14 15. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's  
15 actions. Her credit report continues to be damaged due to the Defendant's  
16 failure to properly report the associated trade line.  
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19 **COUNT I**

20 **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

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22 16. Plaintiff reincorporates the preceding allegations by reference.  
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24 17. At all relevant times, Defendant, in the ordinary course of its business, regularly  
25 engaged in the practice of collecting debts on behalf of other individuals or  
26 entities.  
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1 18.Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in  
2 this case is a consumer debt.

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4 19.Defendant is a "debt collector" under the Fair Debt Collection Practices Act  
5 ("FDCPA"), 15 U.S.C. §1692a(6).

6  
7 20.Defendant's foregoing acts in attempting to collect these alleged debt violated  
8 15 U.S.C. §1692e(8) by communicating to any person credit information, which  
9 is known to be false or should be known to be false, including failure to report a  
10 disputed debt as disputed.  
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12 21.To date, and a direct and proximate cause of the Defendant's failure to honor its  
13 statutory obligations under the FDCPA, the Plaintiff has continued to suffer  
14 from a degraded credit report and credit score.  
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16 22.Plaintiff has suffered economic, emotional, general, and statutory damages as a  
17 result of these violations of the FDCPA.  
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19 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
20 against Defendant for actual damages, costs, interest, and attorneys' fees.  
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23 **DEMAND FOR JUDGMENT RELIEF**  
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25 Accordingly, Plaintiff requests that the Court grant her the following relief against  
26 the Defendant:  
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28 a. Actual damages;

- 1 b. Statutory damages;  
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3 c. Statutory costs and attorneys' fees.  
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6 **JURY DEMAND**

7 Plaintiff hereby demands a trial by Jury.  
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9 DATED: May 12, 2020  
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